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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,751

01/29/2004

Jerry Moscovitch

13772-4

3642

1059

7590

10/26/2004

BERESKIN AND PARR

SCOTIA PLAZA

40 KING STREET WEST-SUITE 4000 BOX 401

TORONTO, ON M5H 3Y2

CANADA

EXAMINER

VORTMAN, ANATOLY

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,751

Applicant(s)

MOSCOVITCH ET AL.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004 (Reissue Application).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 5-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Litigation Search</u> . |

DETAILED ACTION
REISSUE APPLICATION

Assignment

1. There is no assignment data available for the instant reissue application. If there is no assignee, the application should so state. Since there is no statement of record that there is no assignee, it is assumed that application is assigned. In view of the above, the application is objected as follows:

a. This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action.

b. This application is objected to under 37 CFR 1.172(a) as the assignee has not established its ownership interest in the patent for which reissue is being requested. An assignee must establish its ownership interest in order to support the consent to a reissue application required by 37 CFR 1.172(a). The assignee's ownership interest is established by:

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(a) filing in the reissue application evidence of a chain of title from the original owner to the assignee, or

(b) specifying in the record of the reissue application where such evidence is recorded in the Office (e.g., reel and frame number, etc.).

The submission with respect to (a) and (b) to establish ownership must be signed by a party authorized to act on behalf of the assignee. See MPEP § 1410.01.

An appropriate paper satisfying the requirements of 37 CFR 3.73 must be submitted in reply to this Office action.

Election/Restrictions

2. The present reissue application contains newly added claims 5-61 which are restrictable in view of the requirements of 37 CFR 1.176(b), as follows:

a) Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-4 (presented in the original patent), are drawn to a modular display system classified in class 361, subclasses 679 and 683.

II. Claims 5-48 and 57-60, are drawn to a mounting structure (plate) for a display and to a display having said mounting structure classified in class 248, subclasses 917-924; class 345, subclass 905; class 361, subclasses 728, 681, 732; or class 348, subclass 794.

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The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and of Group II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination (a modular display system) as claimed does not require the particulars of the subcombination (a mounting structure for a display or a display having said mounting structure) as claimed, at least in part, because said display system as claimed in claims 1-4 of the original patent does not require the presence of the V-shaped socket, member, or protrusion. The subcombination has separate utility such as a coupling mechanism and may be utilized to couple other types of components.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

b) This application contains claims directed to the following patentably distinct species of the claimed invention:

Specie I, claims 1-4 (presented in the original patent) are drawn to a modular display system having support arms as depicted on representative Fig. 53 and 55.

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Specie II, claims 49-56 and 61 are drawn to a computer, computer system or a display structure for a computer having a central (main) display and an outer (auxiliary) display(s) as depicted on representative Fig. 40-43. Currently, there are no generic claims.

There is no disclaimer of the original patent claims (i.e. claims 1-4) is present in the instant reissue application. Accordingly, the original patent claims 1-4 are held as constructively elected for the prosecution on the merits and newly added claims 5-61 are held as constructively non-elected and withdrawn from further consideration.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Constructively elected claims 1-4, are rejected under 35 U.S.C. 103(a) as being unpatentable over US/5,687,939 to Moscovitch (cited on the original patent) taken alone.

Regarding claims 1 and 3, Moscovitch disclosed (Fig. 1-4) a modular display system comprising: a base assembly (12); a first support arm (20) operably coupled to said base assembly (20); a second support arm (18) secured to said first support arm and having at least a pair of coupling assemblies (50, 52) for securing to portions of first (14) and second (16) liquid crystal display (LCD) panels, but did not disclose a third support arm secured to said first support arm (20) and having at least one or a pair of coupling

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assemblies for supporting a third and forth LCD panels on said third support arm; and wherein said third support arm may be readily detached from said first support arm to enable said display system to be modularly configured as a two panel LCD display system or a three or greater LCD display system.

It would have been obvious to one having ordinary skill in the computer display's art at the time the invention was made to provide a third support arm analogous to the second support arm (18) in order to support additional LCD panels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claims 2 and 4, Moscovitch disclosed (Fig. 19) that the second (third) support arm (162) includes three coupling assemblies (198, 202, 204) enabling said display panels to be supported adjacent each other in either a portrait or landscape positions.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

US/D448023, D449302, D469745, D448370, D440543, D425036, D395298, D469746, 6739096, 6449143, 6532146, 6667877, 6302612, 6222507, 6151401, 5904328, and 5537290 disclosed various display support systems.

6. Applicant is advised that since no disclaimer for all original patent claims has been filed in the instant reissue application, constructively non-elected claims will only

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be examined if filed in a divisional reissue application. If the original patent claims are found allowable, and the divisional application has been filed for the constructively non-elected claims, further action in the instant reissue application will be suspended, pending resolution of the divisional application.

7. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which U.S. Patent No. 6,343,006 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anatoly Vortman
Primary Examiner
Art Unit 2835

AV

A handwritten signature in black ink, appearing to read "A. Vale", with a stylized flourish at the end.